

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOSEPH JONES,

*Plaintiff,*

v.

RHONDA HOUSE, LOIS ALLEN, TERRY  
KNEPPER, STEPHANIE WOOD

*Defendant.*

Civil Action No. 2: ~~19~~-cv-01504

Hon. William S. Stickman IV  
Hon. Cynthia Reed Eddy

**ORDER OF COURT**

This civil action was initiated by *pro se* Plaintiff Joseph Jones on October 10, 2019, alleging that prison officials at the State Correctional Institution at Fayette violated his civil rights under 42 U.S.C. § 1983 when they failed to permit him access to a wheelchair. (ECF Nos. 2 and 8). The case was referred to Chief Magistrate Judge Cynthia Reed Eddy in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Civil Rules 72.C and D.

Defendants filed a Motion to Dismiss For Failure to State a Claim on March 13, 2020, along with a supporting brief. (ECF Nos 22 and 23). Plaintiff notified the Court of his change of address, and on March 19, 2020, Chief Magistrate Judge Eddy sent him the Order directing a response to Defendants' motion by April 30, 2020. (ECF No. 24). Having received no response from Plaintiff by June 5, 2020, Chief Magistrate Judge Eddy again ordered Plaintiff to respond by July 6, 2020. (ECF No. 28). When no response was received, Plaintiff was ordered to show cause why his Complaint should not be dismissed for failure to prosecute. (ECF No. 30). ECF Nos. 28 and 30 were then returned as undeliverable because Plaintiff was no longer residing at his address of record. (ECF No. 31). Plaintiff has not filed a notice of change of address with the Court.

A Report and Recommendation was issued by Chief Magistrate Judge Eddy on August 20, 2020, recommending that the Court dismiss the case with prejudice for failure to prosecute. (ECF No. 32). Plaintiff was given until September 3, 2020, to file Objections and cautioned that “failure to file timely objections will waive the right to appeal.” *Brightwell v. Lehman*, 637 F.3d 187, 193 n. 7 (3d Cir. 2011). Plaintiff did not file objections.

Since Plaintiff has lodged no objections, the Court will not disturb Magistrate Judge Eddy’s conclusions in her Report and Recommendation. It fully agrees that the *Poulis*<sup>1</sup> factors are sufficiently met to justify dismissal of the case with prejudice. Consequently, Magistrate Judge Eddy’s Report and Recommendation is ADOPTED as the Opinion of the Court.

AND NOW, this 16<sup>th</sup> day of September 2020, IT IS HEREBY ORDERED that Plaintiff’s Complaint is DISMISSED WITH PREJUDICE due to his failure to prosecute. IT IS FURTHER ORDERED that the Clerk of Courts is to mark this case CLOSED.

BY THE COURT:

A handwritten signature in black ink, appearing to read "W S Stickman IV", written over a horizontal line.

WILLIAM S. STICKMAN IV  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> *Poulis v. State Fire and Casualty Co.*, 747 F.2d 863 (3d Cir. 1984).